

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

GEORGIA STATE CONFERENCE OF THE  
NAACP, *et al.*,

Plaintiffs,

v.

FAYETTE COUNTY BOARD OF  
COMMISSIONERS, *et al.*,

Defendants.

**CIVIL ACTION NO. 3:11-  
CV-00123-TCB**

**PLAINTIFFS' CONSENT MOTION TO DISMISS CASE WITH  
PREJUDICE AGAINST COUNTY DEFENDANTS**

Plaintiffs—the Georgia State Conference of the NAACP, Fayette County Branch of the NAACP, Henry Adams, Terence Clark, Alice Jones, John E. Jones, Daniel (“Dan”) L. Lowry, Ali Abdur-Rahman, Aisha Abdur-Rahman, Lelia Richardson, Elverta Williams, and Bonnie Lee Wright—respectfully move the Court for entry of an order dismissing their claims in this action against County Defendants—the Fayette County Board of Commissioners; Commissioners David Barlow, Steve Brown, Charles Oddo, Randy Ognio, and Charles Rousseau, all in their official capacities; the Fayette County Board of Elections and Voter Registration; and Tom Sawyer, in his official capacity as Elections Supervisor for

the Fayette County Board of Elections and Voter Registration.<sup>1</sup> The grounds of this Motion are as follows:

1.

Plaintiffs filed the instant litigation against County Defendants on August 9, 2011, alleging that the method of election for members of the Fayette County Board of Commissioners violated Section 2 of the Voting Rights Act, which County Defendants disputed.

2.

Plaintiffs and County Defendants agreed to settle all claims and issues between those parties after extensive discussions and a Court-ordered mediation that took place on October 21, 2015 and continued on October 30, 2015.

3.

In accordance with the settlement agreement between Plaintiffs and County Defendants, (1) County Defendants submitted to the Fayette County delegation to the Georgia General Assembly for introduction as local legislation in the 2016 General Assembly the agreed-upon Fayette County Commission redistricting plan,

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<sup>1</sup> This Court already has dismissed Plaintiffs' claims against the other former defendants to this action, who were the Fayette County Board of Education ("BOE") (under Georgia Law, the Fayette County School District) and its individual members in their official capacities (collectively "Board of Education Defendants"). Doc. 289.

(2) the State of Georgia has enacted into law that redistricting plan (*see* Act 314 (2016)), (3) County Defendants have paid to Plaintiffs' counsel the agreed-upon sum of \$125,000.00 for the attorneys' fees, expenses, and costs incurred by Plaintiffs in this litigation, and (4) Plaintiffs have delivered original, executed individual releases from any and all claims that were or could have been brought by Plaintiffs against County Defendants through the date of the release to counsel for County Defendants.

4.

Pursuant to the terms of the settlement agreement, Plaintiffs now seek to dismiss with prejudice their claims against County Defendants.

5.

County Defendants, the only remaining Defendants in this action, consent to the relief sought by this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court enter the accompanying Consent Order, dismissing with prejudice Plaintiffs' claims against County Defendants.

This 2<sup>nd</sup> day of September, 2016.

RESPECTFULLY SUBMITTED:

/s/ Leah C. Aden

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**CERTIFICATE OF SERVICE AND  
COMPLIANCE WITH LOCAL RULE 5.1(C)**

I hereby certify that I electronically filed the foregoing PLAINTIFFS' CONSENT MOTION TO DISMISS CASE WITH PREJUDICE AGAINST COUNTY DEFENDANTS with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification to such filing to the following attorneys of record:

Leah C. Aden for Plaintiffs  
Neil T. Bradley for Plaintiffs  
Barclay S. Hendrix  
Christopher Kemmitt for Plaintiffs  
Natasha Korgaonkar for Plaintiffs  
Anne W. Lewis for County Defendants  
Joseph Matthew Maguire, Jr. for Board of Education Defendants  
Deuel Ross for Plaintiffs  
Frank B. Strickland for County Defendants  
David F. Walbert for Board of Education Defendants  
David Weisz for Board of Education Defendants  
Victorien Wu for Plaintiffs

I further certify that the foregoing has been prepared in a Times New Roman 14 point font, one of the font and point selections approved by the Court in Local Rule 5.1(C).

This 2nd day of September, 2016.

/s/ Leah C. Aden  
LEAH C. ADEN

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